

**REMARKS**

The present amendment is submitted in response to the Office Action mailed April 2, 2009, Claims 1-22 remain in this application. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

**Rejections under 35 U.S.C. §103(a)**

The Office has rejected claims 1-14 under 35 U.S.C. §103(a) as being anticipated by Roosendaal et al. ("Novel High Performance Transflective LCD with a Patterned Retarder", 2003) and further in view of U.S. Patent Application No. 2004/0145691 ("Kubota"). Applicants respectfully traverse the rejections.

***Claims 1-14 are allowable***

The cited portions of Roosendaal and Kubota, individually or in combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Kubota fail to disclose or suggest, "*wherein the first and second birefringence are different from each other and adapted independently to improve the viewing angle dependence for the reflective and transmissive subpixels respectively*", as recited in claim 1. It is respectfully submitted that a careful examination of the cited portion of the reference, specifically pars. 68 - 71, will show that the above recitation of claim 1 is clearly not met. That is, in contrast to claim 1, Kubota merely teaches that the retardation film has characteristics which differ between the reflective display region and the transmissive display region. Kubota is not specific with respect to what is meant by "characteristics". Thus, merely stating the retardation film has "characteristics" which differ between the reflective display region and the transmissive display region does not teach or suggest that the first and second birefringence are different from each other, as recited in claim 1. Instead, Kubota is merely describing a method of compensating for residual retardation according to viewing angle direction by manipulating the direction and not the magnitude of the birefringence.

Kubota discloses at par. 68,

"On the outer surfaces of the display panel thus obtained, retardation films 21 and 22 are disposed so as to prevent variations in hue resulting from the birefringence of the liquid crystal

material and to compensate residual retardation according to viewing angle directions, the residual retardation being caused by liquid crystal molecules at the boundaries with the substrates which do not stand up completely during a black display with a voltage being applied.” [ Emphasis Added ]

Kubota further discloses at par. 71,

“ In order to more effectively increase the viewing angle of the panel or enhance the contrast of the panel by optical compensation, it is more preferable to use a retardation film of which characteristics differ between the reflective display region and the transmissive display region. Such a retardation film can be obtained by curing a UV crosslinking liquid crystal polymer under conditions that vary region to region.” [ Emphasis Added ]

Roosendaal is not cited for teaching this element of claim 1. Thus, the cited portions of Roosendaal and Kubota, individually or in combination, do not disclose or suggest “*wherein the first and second birefringence **are different from each other** and adapted independently to improve the viewing angle dependence for the reflective and transmissive subpixels respectively*”, as recited in claim 1 [ Emphasis Added ]. Hence, claim 1 is allowable.

Claims 2-14 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and are believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 2-14 is respectfully requested.

#### **Rejections under 35 U.S.C. §103(a)**

The Office has rejected claims 15-22 under 35 U.S.C. §103(a) as being anticipated by Roosendaal and further in view of Kubota and further in view of U.S. Patent No. 6,368,760 (“Nishiguchi”). Applicants respectfully traverse the rejections.

Applicants respectfully submit that the Office has failed to provide sufficient specificity with respect to the rejection of claim 16 from which claims 15 and 17-22 depend.

In particular, the Office does not particularize where in any of the cited references the method steps, recited in claim 16 are allegedly taught, the steps comprising: providing a photo-polymerisable mixture having a liquid crystalline phase; aligning said mixture; performing a first irradiation of the mixture under a first reaction condition, to polymerize a first domain of photo-polymerisable mixture in a first configuration exhibiting a first birefringence; performing a second irradiation of the mixture under a second reaction condition to polymerize a second domain of the photo-polymerisable mixture in a second configuration exhibiting a second birefringence.

The Office merely states at page 6 that Kubota/ Roosendaal and Nishiguchi are combined by taking the technology of Kubota / Roosendaal which teach **the general principle** of a method for the manufacture of a patterned optical layer and applying it to **the more specific method technology** of Nishiguchi to obtain the instant invention of a more specifically stated method for the manufacture of a patterned optical layer. It is respectfully submitted that the rejection is not proper and should be withdrawn. In the rejection of claims 15-22, Nishiguchi is cited by the Office for disclosing **many specifics** regarding a method for the manufacture of a patterned optical layer. The Office refers the Applicants to Nishiguchi, col. 4, lines 20-64. It is respectfully submitted that a careful examination of the cited portion of Nishiguchi, will show that col. 4, lines 20-64 comprise **general statements** regarding the various embodiments taught in Nishiguchi. That is, there is no teaching or disclosure of specific method steps, as recited in claim 16.

Claim 16 has been amended herein to better define Applicant's invention over Roosendaal, Kubota and Nishiguchi, individually or in combination, despite Applicant's requirement that the rejection be withdrawn. Claim 16 now recites limitations and/or features which are not disclosed by Roosendaal, Kubota and Nishiguchi, individually or in combination. Claim 16 as amended herein recites in part: *"wherein the first and second birefringence are different from each other and adapted independently to improve the viewing angle dependence for the reflective and transmissive subpixels respectively"*. As explained above, the cited portions of Roosendaal and Kubota, individually or in combination, do not disclose or suggest this element of claim 1. It is respectfully submitted that neither

does Nishiguchi disclose this element of claim 1 that is not disclosed by Roosendaal and Kubota. Hence claim 16 is allowable.

Claims 15 and 17-22 depend from independent Claim 16 and therefore contain the limitations of Claim 16 and are believed to be in condition for allowance for at least the same reasons given for Claim 16 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 15 and 17-22 is respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-22 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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